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FEDERAL RAILROAD
ADMINISTRATION

BNSF



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FRA-2003-16440-4

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Re: FRA Docket No. 2003-16440
BNSF - 49 C.F.R. § 211 Waiver Petition - Locomotive Daily Inspection Reports

The Burlington Northern and Santa Fe Railway Company (hereinafter "BNSF") hereby submits the following revisions to the Waiver Petition FRA Docket No 2003-16440 received by the Federal Railroad Administration on October 10, 2003.

BNSF respectfully requests a waiver of 49 C.F.R. §§ 229.23(d),(e),(f) and §§229.27(a)(3) and (b) and §229.29(a) and §229.31 (2003) as it pertains to the physical recordkeeping requirements for 92-day periodic locomotive inspection reports, annual locomotive inspection reports, and biennial locomotive inspection reports ("Locomotive Inspection and Repair Records") at the mechanical facilities where the inspection is performed and for the maintenance of the original of the Locomotive Inspection and Repair Record in the cab of the locomotive. Through this waiver, BNSF seeks to complete and maintain an electronic report of each Locomotive Inspection and Repair Record. Pursuant to 49 C.F.R. §§ 229.23(d), (e), (f), §§229.27(a)(3) and (b) and 229.29(a) and §229.31 this electronic report will be maintained in a centralized computer database for the requisite period and a hard copy of the same report will be maintained in the cab of the locomotive. This database will be available to the Federal Railroad Administration (hereinafter "FRA") at the twenty-four (24) mechanical facilities where the Locomotive Inspection and Repair Records are currently maintained. BNSF believes that through the use of the best available technology for the compilation and filing of electronic records, a more efficient and accurate recordkeeping process will result.

1. Current Process for Locomotive Inspection and Repair Records

At the present time, BNSF completes a written Locomotive Inspection and Repair Record on a 92-day basis, an annual basis, and a biennial basis as required by the regulations. The report is a complete inspection of the mechanical systems of the locomotive as required by the regulations and is conducted at designated mechanical facilities throughout the BNSF system. The written record, also known as the FRA Blue Card, is placed in the cab of the locomotive and a copy of the FRA Blue Card is maintained at the mechanical facility where the inspection occurred.

2. Desired Process for Locomotive Inspection and Repair Records

Upon approval of this waiver petition by the FRA, all locomotive inspection data presently recorded on the FRA Blue Card will be entered and stored in the BNSF electronic database (hereinafter "Database").

The information entered into the computer database will be identical to the information required by 49 C.F.R. §§ 229.23, .229.27, 229.29 and 229.31 and will include, the name of the carrier, the initials and number of the locomotive, the place, date and time of the inspection, requisite mechanical data and the electronic signature of the employee conducting the inspection. The electronic signature will be the unique electronic identification currently assigned to the employee. Unlike a traditional written signature which is often illegible, the electronic signature will conclusively identify the employee who completed the report. Furthermore, each electronic identification number has a unique password selected by the employee. And, unlike written signatures which are susceptible to being forged, an electronic signature will not be able to be entered or accessed by anyone other than the employee who completed the inspection. The employee's name who completed the inspection will appear in block letters next to the employee's unique electronic identification number.

In addition, the computer will be designed to automatically enter the time, date, and location from which the employee enters the inspection reports. This automatic date and time stamp will also preclude the possibility that a report can be backdated.

The computer database, which contains these reports, will be configured to automatically delete each of the Locomotive Inspection and Repair Records at the conclusion of the requisite period. This automatic deletion by the system will further prevent reports from being inadvertently deleted prior to the end of the requisite period.

Lastly, since the periodic, annual, and biennial mechanical inspections must be based on the time when the previous inspection was done (including out of service time), BNSF will be able to more accurately calculate the exact date on which the next periodic, annual, or biennial inspection must be performed.

II. Security Concerns

A. Database Security

At BNSF, the security and integrity of its electronic databases is of primary importance. To ensure the integrity, confidentiality, and accessibility of the data, several measures will be implemented. In keeping with current BNSF corporate policy, copy attached, each employee is assigned a unique login identification number (hereinafter "Login ID"). The employee must then select his or her unique electronic alphanumeric password. Sharing password information and/or using another employee's Login ID is in strict violation of BNSF corporate policy. As with all BNSF computer systems, an employee using an incorrect electronic password will not be able to access the Database. Unauthorized access to the Database will not be feasible. In addition, locomotive

inspection data, once entered, will not be able to be altered and will be in read-only format. Lastly, the Database will be backed-up on a daily basis.

B. Access to Computer Terminals

All BNSF Mechanical facilities will have computer access.

III. Benefits of Electronic Recordkeeping

Although the information entered into the Database will be identical to the information presently required by 49 C.F.R. §§ 229.23, 229.27, 229.29 and 229.31, electronic maintenance of the Locomotive Inspection and Repair Record will have many added benefits. First, unlike the current paper system which is susceptible to loss, damage, or theft (as the original FRA Blue Card is maintained in the locomotive cab), the electronic Locomotive Inspection and Repair Record will be able to be generated upon demand and replaced in the locomotive cab with ease. Second, this information will be the actual data from the mechanical inspection and will not require further certification and that it is the true and correct information as the current process demands. Third, Locomotive Inspection and Repair Records will be automatically retained for the required period thereby eliminating any opportunity for reports to be inadvertently lost or destroyed prior to the required period. Fourth, BNSF will be able to more accurately calculate the exact date on which the next periodic, annual, or biennial inspection must be performed. Fifth, rather than being scattered at twenty-four (24) individual mechanical facilities throughout the BNSF system as is the current practice, all the relevant data will be stored in a centralized database which will be able to be accessed at any BNSF computer terminal by both BNSF and FRA personnel. Centralization of the recordkeeping will greatly facilitate BNSF and FRA's inspection, monitoring, and compliance with the requirements of 49 C.F.R. §§ 229.23, 229.27, 229.29 and 229.31. Lastly, there are no anticipated costs to the private sector, to consumer, or federal, state, and local governments as a result of electronic recordkeeping.

For the foregoing reasons, BNSF respectfully requests that FRA grant its petition to electronically file and maintain locomotive daily inspection reports.

Sincerely,

Craig Hill